

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 24, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LEANNE M.,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 4:20-CV-5184-JAG

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 36. Attorney Chad L. Hatfield represents Plaintiff; Special Assistant United States Attorney Martha A. Boden represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 36**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 On remand, the Administrative Law Judge shall conduct a new hearing,
2 further develop the record, and perform the following: (1) expressly rule on
3 Plaintiff's stipulation for a closed period of disability, including defining the period
4 at issue and, if relevant, determining whether medical improvement related to the
5 ability to work occurred pursuant to the regulatory requirements (20 C.F.R. §§
6 404.1591, 404.1594, 416.991, 416.994); (2) reevaluate Plaintiff's residual
7 functional capacity, consistent with 20 C.F.R. §§ 404.1545, 416.945 and SSR 96-
8 8p, 85-15; (3) conduct a drug addiction or alcoholism (DAA) materiality analysis
9 and articulate supporting rationale for the DAA findings; and (4) proceed with the
10 sequential evaluation as necessary, take any further action needed to complete the
11 administrative record, and issue a new decision.

12 2. **Judgment shall be entered for PLAINTIFF.**

13 3. Plaintiff's Motion for Summary Judgment, **ECF No. 24**, is
14 **STRICKEN AS MOOT.**

15 4. An application for attorney fees and costs may be filed by separate
16 motion.

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
18 Order, forward copies to counsel, and **CLOSE THE FILE.**

19 DATED November 24, 2021.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE